

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GLORIA JEANETTE DAVIS,

Plaintiff,

v.

KAISER FOUNDATION HOSPITALS,

Defendant.

Case No. [19-cv-05866-HSG](#)

**ORDER EXTENDING DEADLINE TO
FILE NOTICE OF APPEAL**

Re: Dkt. No. 67

On February 2, 2022, the Court granted summary judgment in favor of Defendant Kaiser Foundation Hospitals. Dkt. No. 65. On March 2, 2022, Plaintiff Gloria Jeanette Davis filed a letter seeking an extension of time to appeal the judgment. Dkt. No. 67. From what the Court can gather from the letter, Plaintiff intends to ask this Court to amend or reconsider the entry of judgment in this case based on the discovery of new evidence. *See id.* She asks for an extension of two weeks. *Id.*


In her letter, Plaintiff cites Federal Rule of Civil Procedure 59(e). *Id.* Under Rule 59(e), “[a] motion to alter or amend a judgment must be filed no later than 28 days after the entry of judgment.” Fed. R. Civ. P. 59(e). Plaintiff’s deadline to file a motion under this provision was March 2, 2022, the day she filed her letter for an extension. The Court understands the challenges of litigating a case *pro se*. However, Federal Rule of Civil Procedure 6(b) does not allow the Court to give Plaintiff more time to file a motion under Rule 59(e). *See* Fed. R. Civ. P. 6(b)(2) (“A court must not extend the time to act under Rule . . . [59](e).”).

Plaintiff’s letter also references an “appeal process.” *See* Dkt. No. 67. If Plaintiff intends to appeal the judgment to the Ninth Circuit, Federal Rule of Appellate Procedure 4 generally requires a plaintiff to file a notice of appeal within 30 days after entry of the judgment—or in this

1 case, by March 4, 2022. *See* Fed. R. App. P. 4(1)(A). Plaintiff did not file any notice of appeal by
2 that deadline. Federal Rule of Appellate Procedure 4, however, permits the district court to extend
3 the time to file a notice of appeal if there is good cause to do so. *See* Fed. R. App. P. 4(a)(5)(A).
4 Under the circumstances, the Court finds that good cause exists for a short extension of time to
5 allow Plaintiff time to prepare her notice of appeal. Plaintiff must file her notice of appeal by
6 March 21, 2022. The Court cautions Plaintiff that no further extensions will be permitted.

7 **IT IS SO ORDERED.**

8 Dated: 3/8/2022

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10 HAYWOOD S. GILLIAM, JR.
11 United States District Judge
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